

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Applicant's Amendment filed 11/30/2007 and supplemental to the action mailed 2/27/2008.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 2/13/2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show an air mouse placing a URL in a browser of a user's home computer (claim 2), an icon appearing on a television commercial and the URL is utilized for an instant purchase to be billed according to information stored in the hand-held transceiver (claim 3), a held-held device auto-dialing a phone number embedded with the URL transmitted by the target (claim 6), the URL being targeted to a male or female (claim 10), the display being a clothing display and the clothes being able to transmit the URL (claim 12), the URL is on a timer system (claim 23), and data mining of users who initiate communication with the transmitter (claim 30) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

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Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. Applicant’s amendments to the specification filed on 11/30/2007, have been fully considered and are persuasive. The objections to the specification have been withdrawn.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In

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claim 12 line(s) 2, the subject matter of enabling the clothing to transmit the URL is not disclosed.

7. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 12 line(s) 1-2, specification does not enable for the clothing to transmit URLs. It does not mention whether the clothes includes transmitters or are transmitters. Therefore, it is unclear, and lacks enabling one of ordinary skill, as to how the applicant is transmitting URLs via clothing on a display.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1, 2, 4, 11, 12, 14, 21, 22 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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10. In regards to claims 1, 11, and 21, line(s) 9, 10, and 12 respectfully, the claim states "...a respective hand-held transceiver to receive the information transmitted by the target..." It is not clear as to how the URL is received and who/what sent the URL.

11. Claim 2 recites the limitation "the information display" and "the user's home computer" in line(s) 1-2 and 3-4, respectfully. There is insufficient antecedent basis for this limitation in the claim.

12. It is unclear in claim 2 as to how the air mouse carries the URL. How does it receive the URL? Likewise what URL is placed in the user's home computer? Is any URL or a URL for a web-site related to the display?

13. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: how does the air mouse receives and transmits the URL. Does the air mouse save the URL?

14. Claims 12 and 22 recites the limitation "the information display" in line(s) 1-2. There is insufficient antecedent basis for this limitation in the claim.

15. The term "substantially constantly" in claims 4, 14, and 24 is a relative term which renders the claim indefinite. The term "substantially constantly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of

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ordinary skill in the art would not be reasonably apprised of the scope of the invention. When grouping both words together, in according to their definitions (see below) it is unclear as to if the application is eluding to the fact that the URL is always available or if it is only available when needed to fill a request.

- a. Substantially: ample to satisfy and nourish; considerable in quantity
- b. Constantly: continually occurring or recurring

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

18. Claims 1, 5, 7, 10-13, 16, 17, 20-23, 26, 27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US PGPub 2002/007896) in view of Mankoff (US 6,385,591).

19. In regards to claims 1 and 21 Liu et al. discloses, a system and method of facilitating the dissemination of information comprising:

- c. a target (**fig. 1 #110**) comprising:
 - i. a display that is visible to a plurality of interested users (**fig. 1 #112**);
 - ii. a memory assembly for storing a information for a web-site related to the display (**fig. 6 #616**);
 - iii. a transmitter assembly adapted to transmit the information (**fig. 6 #610, ¶0049 line(s) 1-10, and ¶0065 line(s) 5-8**); and
 - iv. an identifier (**advertisement**) that indicates to the plurality of users that the target comprises the memory assembly and transmitter (**¶0028 line(s) 4-7**),
 - v. whereby a respective interested user upon seeing the display **fig. 1 #112** and graphic identifier (**advertisement**) may use a respective hand-held transceiver (**fig. 1 #118-#122**) to receive the information transmitted by the target and selectively activate the information independent of the target (**¶0053 line(s) 3-4, 12-13**).

20. Liu et al. do not teach a storing, transmitting, or selectively activating a URL sent by a target.

21. In the same field of endeavor Mankoff's teach it is obvious to downloading/sending URLs to a hand-held transceiver by downloading a coupon from a client (target) to a PDA (hand-held transceiver), that includes contact information associated with the coupon provider (e.g. address, web site URL, map and email information) (**Col. 3 line(s) 55-62, Col. 4 line(s) 18-20**,

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23-25). Furthermore, the URL can be selected without being in contact with the target **(Col. 4 line(s) 25-28, 35-36).**

22. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system with Mankoff's teaching as discussed above to allow for the capability of downloading requested information and associated contact information for future contacting.

23. In regards to claims 5 and 25 Liu et al. discloses, wherein the transmitter is a passive transmitter, whereby the respective hand-held transceiver is adapted to provide energy that activates the transmitter **(¶0064 line(s) 1-5).**

24. In regards to claims 7, 17, and 27 Liu et al. do not teach, wherein the URL is a specific embedded page of a website.

25. In the same field of endeavor Mankoff's teach it is obvious to downloading/sending URLs to a hand-held transceiver by downloading a coupon from a client (target) to a PDA (hand-held transceiver), that includes contact information associated with the coupon provider (e.g. address, web site URL, map and email information). Wherein the URL is directed to the specific product of the coupon **(Col. 3 line(s) 55-62, Col. 4 line(s) 18-20, 23-25).**

26. In regards to claims 8, 18, and 28 Liu et al. do not teach, wherein the URL is received by a respective hand-held transceiver operated by respective interested user only when the

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respective interested user initiates communication with the transmitter, whereby the URL is selectively received.

27. In the same field of endeavor Mankoff's teach it is obvious to downloading/sending URLs to a hand-held transceiver by downloading a coupon from a client (target) to a PDA (hand-held transceiver), that includes contact information associated with the coupon provider (e.g. address, web site URL, map and email information). Wherein the URL is not received until the user initiates the downloading of the coupon from the client **(Col. 3 line(s) 55-62, Col. 4 line(s) 18-20, 23-25)**.

28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system with Mankoff's teaching as discussed above to allow for the capability of downloading requested information and associated contact information for future contacting, that the user is interested in.

29. In regards to claim 10 Liu et al. discloses, wherein the information is targeted to a male or female depending on information in the respective hand-held transceiver **(¶0067)**.

30. In the same field of endeavor Mankoff's teach it is obvious to downloading/sending URLs to a hand-held transceiver by downloading a coupon from a client (target) to a PDA (hand-held transceiver), that includes contact information associated with the coupon provider (e.g.

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address, web site URL, map and email information) (**Col. 3 line(s) 55-62, Col. 4 line(s) 18-20, 23-25**).

31. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system with Mankoff's teaching as discussed above to allow for the capability transmitting a URL specific to a user's interest, whether it is male or female.

32. In regards to claim 11 Liu et al. discloses, a system of facilitating the dissemination of information comprising:

- d. a target (**fig. 1 #110**) comprising:
 - vi. a display that is visible to a plurality of interested users (**fig. 1 #112**);
 - vii. a memory assembly for storing a information for a web-site related to the display (**fig. 6 #616**);
 - viii. a transmitter assembly adapted to transmit the information (**fig. 6 #610, ¶0049 line(s) 1-10, and ¶0065 line(s) 5-8**); and
 - ix. an identifier (**advertisement**) that indicates to the plurality of users that the target comprises the memory assembly and transmitter (**¶0028 line(s) 4-7**);and
- x. a hand-held transceiver (**fig. 1 #118-122**);
- xi. whereby a respective interested user upon seeing the display **fig. 1 #112** and graphic identifier (**advertisement**) may use a respective hand-held transceiver (**fig. 1 #118-122**) to receive the information transmitted by the target

and selectively activate the information independent of the target (**¶0053 line(s) 3-4, 12-13**).

33. Liu et al. do not teach a storing, transmitting, or selectively activating a URL sent by a target.

34. In the same field of endeavor Mankoff's teach it is obvious to downloading/sending URLs to a hand-held transceiver by downloading a coupon from a client (target) to a PDA (hand-held transceiver), that includes contact information associated with the coupon provider (e.g. address, web site URL, map and email information) (**Col. 3 line(s) 55-62, Col. 4 line(s) 18-20, 23-25**). Furthermore, the URL can be selected without being in contact with the target (**Col. 4 line(s) 25-28, 35-36**).

35. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system with Mankoff's teaching as discussed above to allow for the capability of downloading requested information and associated contact information for future contacting.

36. In regards to claim 12 Liu et al. discloses, wherein the information display is a clothing display and the clothing is enabled to transmit the URL (**¶0027 line(s) 1-2, teach that the information displayed on the billboard is an advertisement in which is received from various sponsor or advertisers. Therefore it is obvious that the display displays clothing**

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advertisement since advertising clothing on billboards are known in the art.).

37. In regards to claim 13 Liu et al. discloses, wherein the transmitter assembly comprises a radio frequency transmitter or an infrared transmitter **(fig. 1 #116 and ¶0025 line(s) 5-6).**

38. In regards to claims 16 and 26 Liu et al. discloses, wherein the hand-held transceiver is a cellular phone **(fig.1 #120)**, personal data assistant **(fig.1 #118)**, or laptop computer **(fig.1 #122).**

39. In regards to claim 20 Liu et al. discloses, wherein the information may be received **(fig. 7B and ¶0053 line(s) 1-4)**, previewed **(fig. 7B and ¶0053 line(s) 1-4)**, stored **(¶0053 line(s) 1-4, 9)**, activated **(¶0053 line(s) 1-4,10)**, or transferred by a respective user using a respective hand-held transceiver.

40. Liu et al. do not teach wherein a URL received, previewed, stored, activated, or transferred by a respective user using a respective hand-held transceiver.

41. In the same field of endeavor Mankoff's teach it is obvious to downloading/sending URLs to a hand-held transceiver by downloading a coupon from a client (target) to a PDA (hand-held transceiver), that includes contact information associated with the coupon provider (e.g. address, web site URL, map and email information) **(Col. 3 line(s) 55-62, Col. 4 line(s) 18-20, 23-25).** Wherein the web site URL is stored in a contact file **(Col. 4 line(s) 24-25).**

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42. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system with Mankoff's teaching as discussed above to allow for the capability of downloading requested information and stored related contact information for future contacting.

43. In regards to claim 22 Liu et al. discloses, wherein the information display is one of a plurality of store displays (**fig. 1 #112 and ¶0058 line(s) 7-8**), and a website hub controls (**fig. 1 #108 and ¶0056**) the rotation of URLs to said plurality of store display by time of day (**¶0057 line(s) 8-16**) or by store depending on respective locations and time zones (**¶0057 8-16**).

44. In regards to claim 23 Liu et al. discloses, wherein the URL information is on a timer system (**fig. 10 and ¶0062 line(s) 1-5**).

45. In regards to claim 30 Liu et al. discloses, further comprising data mining of users who initiate communication with the transmitter (**¶0065 line(s) 5-12**).

46. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable Liu et al. (US PGPub 2002/007896), in view of Mankoff (US 6,385,591) as applied to claim 1 above, and further in view of Miyazawa (US PGPub 2002/0047868).

47. In regards to claim 2 neither Liu et al. nor Mankoff's teach wherein the information display is an electronic display, an icon resides on the electronic display, and information in the icon is accessible with an air mouse to place the URL into the browser of the user's home

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computer.

48. In the same field of endeavor Miyazawa's teach posting messages on an electronic bulletin board, in an icon format, that is accessible by a plurality of users using their cellular phone (air mouse) to retrieve the information to be viewed (**¶0040 line(s) 3-5**).

49. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system and Mankoff's method and system for electronic organization of coupons with Miyazawa's teaching as discussed above to allow for the capability of displaying a message in an icon format to save space and only allowing the desired person(s) to view the content of the icon.

50. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US PGPub 2002/007896), in view of Mankoff (US 6,385,591), in view of Miyazawa (US PGPub 2002/0047868) as applied to claim 2 above, and further in view of Billmaier (US 7,237,252)

51. In regards to claim 3 neither Liu et al., Mankoff's, nor Miyazawa's teach wherein the icon appears on a television commercial and the URL is utilized for an instant purchase to be billed according to information stored in the hand-held transceiver.

52. In the same field of endeavor Billmaier's teach the ability to purchase products that are shown on television either through a schedule TV show or commercial, by clicking on an icon (**fig. 5 and abstract**).

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53. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system and Mankoff's method and system for electronic organization of coupons and Miyazawa's electronic bulletin board and bulletin board system with Billmaier's teaching as discussed above to allow for the capability of giving the user the commerce opportunity to view product information and instantly buying via a hand-held transceiver actions that would otherwise been ignored.

54. Claims 4, 9, 15, 19, 24, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US PGPub 2002/007896), in view of Mankoff (US 6,385,591) as applied to claims 1, 11, and 21 above, and further in view of Fisher et al (US PGPub 2001/0051900).

55. In regards to claims 4 and 24 Liu et al. do not teach, wherein the transmitter is an active transmitter, whereby the URL is substantially constantly available to the plurality of interested users.

56. In the same field of endeavor Fisher et al. teach an interactive advertising display that provides requested information to customers via a hand-held transceiver. Wherein the transmitter is an active transmitter, since it is continuously updated based on a set time by the server

(¶0046).

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57. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system and Mankoff's method and system for electronic organization of coupons with Fisher et al. teaching as discussed above to allow for the capability of keeping the stored information updated.

58. In regards to claims 9, 19, and 29 neither Liu et al. nor Mankoff's teach wherein the URL is transmitted with a filtering code adapted to be used in respective hand-held transceiver to avoid receiving interference or incorrect information.

59. In the same field of endeavor Fisher et al. teach an interactive advertising display that provides requested information to customers via a hand-held transceiver. Wherein the advertising uses a code that is downloaded to the user's device, to access information pertaining to the requested information (**¶0049 line(s) 1-11 and ¶0060 line(s) 1-6**).

60. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system and Mankoff's method and system for electronic organization of coupons with Fisher et al. teaching as discussed above to allow for the capability of appending a filtering code to a URL for users if they would like to receive only information about this advertisement again at any of the same logo displays.

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61. In regards to claim 15 neither Liu et al. nor Mankoff's wherein the transmitter is a passive radio frequency tag, whereby the respective hand-held transceiver is adapted to provide energy that activates the transmitter.

62. In the same field of endeavor Fisher et al. teach an interactive advertising display that provides requested information to customers via a hand-held transceiver. Wherein the advertising uses a code (tag) that is downloaded to the user's device, to send to a transmitter access information pertaining to the requested information (**¶0049 line(s) 5-9**).

63. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system and Mankoff's method and system for electronic organization of coupons with Fisher et al. teaching as discussed above to allow for the capability of appending a filtering code to a URL for users if they would like to receive only information about this advertisement again at any of the same logo displays.

64. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US PGPub 2002/007896), in view of Mankoff (US 6,385,591) as applied to claim 1 above, and further in view of "Cellular Phone with Auto Dialing" by IBM Technical Disclosure Bulletin (hereinafter IBM).

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65. In regards to claim 6 Liu et al. discloses, wherein the hand-held transceiver is a cellular phone (**fig.1 #120**), personal data assistant (**fig.1 #118**), or laptop computer (**fig.1 #122**).

66. Neither Liu et al. nor Mankoff's teach adapted to enable auto-dial of at least one phone number embedded with the URL transmitted by the target.

67. In the same field of endeavor IBM teach a cellular phone receiving a phone number and automatically dialing without user intervention (§2 line(s) 1-4).

68. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify modify Liu et al. method and apparatus for an electronic billboard system and Mankoff's method and system for electronic organization of coupons with IBM teaching as discussed above to allow for the capability of having a cellular phone (hand-held transceiver) to be enabled to auto-dial to take out the human factor of a mistake.

69. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US PGPub 2002/007896), in view of Mankoff (US 6,385,591) as applied to claim 11 above, and further in view of Sepanaho (US PGPub 2002/0022961).

70. In regards to claim 11 neither Liu et al. nor Mankoff's teach wherein the transmitter is an active radio frequency tag transmitter, whereby the URL is substantially constantly available to

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the plurality of interested users.

71. In the same field of endeavor Sepanaho's teach broadcasting URLs to devices carried by users that desire to receive the locale related information. Wherein the broadcasting is done by using an active radio frequency tag transmitter (**¶0006**).

72. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system and Mankoff's method and system for electronic organization of coupons with Sepanaho's teaching as discussed above to allow for the capability of transmitting information to those devices that desire and adapted to receive the information.

Response to Arguments

73. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

74. Applicant's arguments of the 112 2nd rejections, filed 11/30/2007 have been fully considered but they are not persuasive (see above).

Conclusion

75. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kazuo et al (11-065494) method and device for providing information and storage medium storing information control program.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to La Juania N. Mouzon whose telephone number is 571-270-3045. The examiner can normally be reached on Monday - Friday 8:00-5:00, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNM

/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153